THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.17967 OF 2005

DATED: 17-08-2005

BETWEEN;

Gali Sangeetha Rao sonof Subbaiah and four others.

..PETITIONERS

VS.

Sri Ramaraju Cheruvu Samstha, Koniki Vilolage and two thers

..RESPONDENTS

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.17967 OF 2005

ORAL ORDER

Heard the learned counsel for the petitioners, learned Government Pleader for Endowments and Smt.N.Indrani, learned Standing Counsel for the 1st respondent.

The petitioners were cultivating tenants of a religious endowment by name Sri

Ramaraju Cheruvu Samstha, Koniki Village, Inkollu Mandal, Prakasam District in respect of the lands in Koniki village. Each of the petitioners were cultivating tenants in respect of an extent of Ac.5.88 ½ cents of dry land belonging to the 1st respondent-endowment. The lease in favour of the petitioners stood determined under the provisions of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and endowments Act,1987(for short "the Act"). As the 1st respondent-temple had notified for public auction of the leasehold rights of the lands, which was under the cultivation of the petitioners earlier and the auction was notified to be held on 12-08-2005 or any other future date, the petitioners apprehending dispossession from the lands they were in cultivation of, have filed this writ petition claiming that as they own no other lands nor are in cultivation of any other lands, they are landless poor persons within the meaning of the provisions of Section 82 of the Act and, therefore are entitled to the benefits available under the said provision.

The 1st respondent has filed a counter-affidavit stating that the petitioners are not landless poor persons since the land cultivated by each of the petitioners though dry land is more than Ac.5.00 and as such they cannot be characterized as landless poor persons having regard to the definition of the said expression in the Explanation of Section 82(2) of the Act. The Counter-affidavit also states that the 3rd respondent namely the Assistant Commissioner, Endowments, Ongole had rejected the claim of the petitioners for a declaration of their status as landless poor persons by the order dated 20-08-2004 and held that the petitioners are not landless poor persons. The rejection of the petitioners' applications have been communicated to the petitioners but they have suppressed this fact in the writ petition. In substance, the 1st respondent contends that as the petitioners are not land less poor persons within the meaning of the Act and their representations for determination of such status has been rejected by the 3rd respondent, they have no legal right to resist the action of the 1st respondent in putting the lands to auction for grant of future lease hold rights.

The petitioners do not contest the averments in the counter-affidavit of the 1st respondent that each of them is cultivating Ac.5.88 ½ of dry land belonging to the 1st respondent-religious endowment, they also do not contest the averments that the 3rd respondent had determined that they are not landless poor persons. Demonstrably, as the petitioners are cultivating extents in excess of Ac.5.00, they cannot be

characterized as landless poor persons and, therefore are not entitled to the benefits as such, under Section 82 of the Act.

There are no merits in the writ petition. The writ petition is accordingly dismissed at the stage of admission. No order as to costs.

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GODA RAGHURAM,J

17TH AUGUST,2005

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